

116TH CONGRESS
1ST SESSION

S. 1487

To amend the Clean Air Act to create a national zero-emission vehicle standard, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2019

Mr. MERKLEY (for himself, Ms. HARRIS, Mr. WHITEHOUSE, Mr. SANDERS, Mrs. GILLIBRAND, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act to create a national zero-emission vehicle standard, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Zero-Emission Vehicles
5 Act of 2019”.

6 **SEC. 2. NATIONAL ZERO-EMISSION VEHICLE STANDARD.**

7 (a) NATIONAL ZERO-EMISSION VEHICLE STAND-
8 ARD.—Part A of title II of the Clean Air Act (42 U.S.C.

1 7521 et seq.) is amended by adding at the end the fol-
 2 lowing:

3 **“SEC. 220. NATIONAL ZERO-EMISSION VEHICLE STANDARD.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) BASE QUANTITY OF NEW PASSENGER VE-
 6 HICLES.—The term ‘base quantity of new passenger
 7 vehicles’ means the total quantity of new passenger
 8 vehicles delivered for sale by a vehicle manufacturer
 9 during the most recent model year.

10 “(2) PASSENGER VEHICLE.—The term ‘pas-
 11 senger vehicle’ has the meaning given the term ‘pas-
 12 senger motor vehicle’ in section 32101 of title 49,
 13 United States Code.

14 “(3) QUALIFIED ELECTRIC VEHICLE.—The
 15 term ‘qualified electric vehicle’ means a passenger
 16 vehicle that is—

17 “(A) a new qualified plug-in electric drive
 18 motor vehicle (as defined in section 30D(d) of
 19 the Internal Revenue Code of 1986); or

20 “(B) a new qualified fuel cell motor vehicle
 21 (as defined in section 30B(d)(3) of the Internal
 22 Revenue Code of 1986).

23 “(4) RETIRE.—The term ‘retire’, with respect
 24 to a zero-emission vehicle credit, means to disqualify
 25 the zero-emission vehicle credit for any subsequent

1 use under this section, including sale, transfer, ex-
2 change, or submission in satisfaction of a compliance
3 obligation.

4 “(5) VEHICLE MANUFACTURER.—

5 “(A) IN GENERAL.—The term ‘vehicle
6 manufacturer’ means an entity that—

7 “(i) engaged in the manufacturing of
8 new passenger vehicles; and

9 “(ii) sold not fewer than 100 new pas-
10 senger vehicles to ultimate purchasers in
11 the United States within the current or
12 previous calendar year, either directly or
13 through an affiliate, such as a dealer.

14 “(B) EXCLUSIONS.—The term ‘vehicle
15 manufacturer’ does not include—

16 “(i) a motor vehicle parts supplier; or

17 “(ii) a dealer.

18 “(6) ZERO-EMISSION VEHICLE.—The term
19 ‘zero-emission vehicle’ means a passenger vehicle
20 that produces zero exhaust emissions of any criteria
21 pollutant, precursor pollutant, or greenhouse gas,
22 other than water vapor, in any mode of operation or
23 condition, as determined by the Administrator.

24 “(b) COMPLIANCE.—For model year 2030 and each
25 model year thereafter, each vehicle manufacturer shall

1 meet the requirements of subsections (c) and (d) by sub-
2 mitting to the Administrator, not later than April 1 of
3 the following calendar year, as applicable—

4 “(1) for a vehicle manufacturer that fails to
5 meet the minimum required percentage of zero-emis-
6 sion vehicle sales for the applicable model year, as
7 determined under subsection (c), a quantity of zero-
8 emission vehicle credits sufficient to offset that ex-
9 cess, as determined by the Administrator; or

10 “(2) for a vehicle manufacturer that meets or
11 exceeds the minimum required percentage of zero-
12 emission vehicle sales for the applicable model year,
13 as determined under subsection (c), a certification of
14 that compliance, as the Administrator determines to
15 be appropriate.

16 “(c) MINIMUM REQUIRED ANNUAL PERCENTAGE OF
17 ZERO-EMISSION VEHICLE CREDITS.—For model years
18 2030 through 2040, in annual increments, the minimum
19 annual percentage of the base quantity of new passenger
20 vehicles of a vehicle manufacturer delivered for sale that
21 are equivalent to zero-emission vehicles, based on the
22 issuance of zero-emission vehicle credits, shall be the appli-
23 cable percentage specified in the following table:

“Minimum Required Annual Percentage of Zero-Emission Vehicle Credits

Model Year	Percentage
2030	50.0
2031	55.0
2032	60.0
2033	65.0
2034	70.0
2035	75.0
2036	80.0
2037	85.0
2038	90.0
2039	95.0
2040	100.0.

1 “(d) REQUIREMENT FOR 2040 AND THEREAFTER.—

2 For model year 2040 and each model year thereafter, a

3 vehicle manufacturer shall sell only zero-emission vehicles.

4 “(e) ZERO-EMISSION VEHICLE CREDITS.—

5 “(1) IN GENERAL.—A vehicle manufacturer

6 may satisfy the requirements of subsection (b)

7 through the submission of zero-emission vehicle

8 credits—

9 “(A) issued to the vehicle manufacturer

10 under subsection (f); or

11 “(B) obtained by purchase, transfer, or ex-

12 change under subsection (g).

13 “(2) LIMITATION.—A zero-emission vehicle

14 credit may be counted toward compliance with sub-

15 section (b) only once.

16 “(f) ISSUANCE OF ZERO-EMISSION VEHICLE CRED-

17 ITS.—

1 “(1) IN GENERAL.—Not later than 2 years
2 after the date of enactment of this section, the Ad-
3 ministrator shall establish by rule a program—

4 “(A) to verify and issue zero-emission vehi-
5 cle credits to vehicle manufacturers;

6 “(B) to track the sale, transfer, exchange,
7 carry over, and retirement of zero-emission ve-
8 hicle credits; and

9 “(C) to enforce the requirements of this
10 section.

11 “(2) APPLICATION.—

12 “(A) IN GENERAL.—A vehicle manufac-
13 turer that delivered for sale, either directly or
14 through an affiliate, such as a dealer, a new
15 zero-emission vehicle or a qualified electric vehi-
16 cle in the United States may apply to the Ad-
17 ministrator for the issuance of a zero-emission
18 vehicle credit.

19 “(B) ELIGIBILITY.—To be eligible for the
20 issuance of a zero-emission vehicle credit, a ve-
21 hicle manufacturer shall demonstrate to the Ad-
22 ministrator that the vehicle manufacturer deliv-
23 ered for sale 1 or more zero-emission vehicles or
24 qualified electric vehicles in the previous model
25 year.

1 “(C) CONTENTS.—The application shall
2 indicate—

3 “(i) the type of zero-emission vehicle
4 or qualified electric vehicle that was deliv-
5 ered for sale;

6 “(ii) the State in which the zero-emis-
7 sion vehicle or qualified electric vehicle was
8 delivered for sale; and

9 “(iii) any other information deter-
10 mined to be appropriate by the Adminis-
11 trator.

12 “(D) AGGREGATION.—An application for a
13 zero-emission vehicle credit under subparagraph
14 (A) may aggregate information on all zero-emis-
15 sion vehicles and qualified electric vehicles deliv-
16 ered for sale by the vehicle manufacturer in the
17 applicable model year.

18 “(3) QUANTITY OF ZERO-EMISSION VEHICLE
19 CREDITS.—

20 “(A) ZERO-EMISSION VEHICLES.—The Ad-
21 ministrator shall issue to a vehicle manufac-
22 turer the application under paragraph (2) of
23 which is approved 1 zero-emission vehicle credit
24 for each zero-emission vehicle delivered for sale
25 in the United States.

1 “(B) QUALIFIED ELECTRIC VEHICLES.—
2 For a qualified electric vehicle delivered for sale
3 by a vehicle manufacturer the application under
4 paragraph (2) of which is approved, the Admin-
5 istrator shall issue a partial zero-emission vehi-
6 cle credit based on the estimated proportion of
7 the mileage driven on the battery of the quali-
8 fied electric vehicle, as determined by the Ad-
9 ministrators.

10 “(C) CREDIT BANKING.—A zero-emission
11 vehicle credit issued for any model year that is
12 not submitted to comply with the minimum an-
13 nual percentage of zero-emission vehicles under
14 subsection (c) during that model year may be
15 carried forward for use pursuant to subsection
16 (b)(1) within the next 5 years, but not later
17 than model year 2040.

18 “(g) ZERO-EMISSION VEHICLE CREDIT TRADING.—

19 “(1) IN GENERAL.—A zero-emission vehicle
20 credit for any model year before 2040 that is not
21 submitted to the Administrator to comply with the
22 minimum annual percentage of zero-emission vehi-
23 cles under subsection (c) for that model year may be
24 sold, transferred, or exchanged by the vehicle manu-

1 factorer to which the credit is issued or by any other
2 entity that acquires the zero-emission vehicle credit.

3 “(2) DELEGATION.—

4 “(A) IN GENERAL.—The Administrator
5 may delegate to an appropriate market-making
6 entity the administration of a national tradeable
7 zero-emission vehicle credit market for purposes
8 of creating a transparent national market for
9 the sale or trade of zero-emission vehicle cred-
10 its.

11 “(B) PUBLIC REPORT.—If the Adminis-
12 trator makes a delegation under subparagraph
13 (A), the entity to which the Administrator made
14 the delegation shall annually submit to Con-
15 gress and make available to the public a report
16 describing the status of the zero-emission vehi-
17 cle credit market.

18 “(h) ZERO-EMISSION VEHICLE CREDIT RETIRE-
19 MENT.—

20 “(1) IN GENERAL.—Any entity that obtains
21 legal rights to a zero-emission vehicle credit may re-
22 tire the zero-emission vehicle credit in any model
23 year.

24 “(2) USE OF RETIRED ZERO-EMISSION VEHICLE
25 CREDIT.—A zero-emission vehicle credit retired

1 under paragraph (1) may not be used for compliance
2 with subsection (b) in—

3 “(A) the model year in which the zero-
4 emission vehicle credit is retired; or

5 “(B) any subsequent model year.

6 “(i) INFORMATION COLLECTION.—The Adminis-
7 trator may collect the information necessary to verify and
8 audit—

9 “(1) the model year sales of passenger vehicles
10 of any vehicle manufacturer;

11 “(2) a zero-emission vehicle credit submitted by
12 a vehicle manufacturer pursuant to subsection
13 (b)(1);

14 “(3) the validity of a zero-emission vehicle cred-
15 it submitted for compliance by a vehicle manufac-
16 turer to the Administrator; and

17 “(4) the quantity of passenger vehicles delivered
18 for sale in the United States of all vehicle manufac-
19 turers.

20 “(j) STATE PROGRAMS.—

21 “(1) IN GENERAL.—Nothing in this section
22 shall preempt the authority of a State or political
23 subdivision of a State to adopt or enforce any law
24 (including regulations) relating to motor vehicles, in-
25 cluding the authority to set standards for motor ve-

1 hicle emissions and zero-emission vehicle require-
2 ments under section 177 and section 209.

3 “(2) COMPLIANCE WITH SECTION.—No law or
4 regulation of a State or political subdivision of a
5 State shall relieve any vehicle manufacturer from
6 compliance with any requirement otherwise applica-
7 ble under this section.

8 “(k) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that vehicle manufacturers should diversify vehicle
10 technologies and models to ensure consumer choice and
11 access.

12 “(l) REGULATIONS.—Not later than 540 days after
13 the date of enactment of this section, the Administrator
14 shall promulgate regulations to implement this section.

15 “(m) ENFORCEMENT.—

16 “(1) CIVIL PENALTY.—

17 “(A) IN GENERAL.—A vehicle manufac-
18 turer that fails to comply with subsection (b)
19 shall be liable for a civil penalty, assessed by
20 the Administrator, in an amount that is equal
21 to twice the average value of the aggregate
22 quantity of zero-emission vehicle credits that
23 the vehicle manufacturer failed to submit in vio-
24 lation of that subsection, as determined by the
25 Administrator.

1 “(B) ENFORCEMENT.—The Administrator
2 shall assess any civil penalty under subpara-
3 graph (A).

4 “(C) DEPOSIT.—With respect to any civil
5 penalty paid to the Administrator pursuant to
6 subparagraph (A), the Administrator shall de-
7 posit the amount into the Highway Trust Fund
8 established by section 9503(a) of the Internal
9 Revenue Code of 1986.

10 “(2) INJUNCTION.—After model year 2040, the
11 Administrator may issue an injunction on the manu-
12 facture of any passenger vehicles other than zero-
13 emission vehicles by a vehicle manufacturer.”.

14 (b) TABLE OF CONTENTS AMENDMENT.—The table
15 of contents of the Clean Air Act (42 U.S.C. prec. 7401)
16 is amended by adding at the end of the items relating to
17 part A of title II the following:

“Sec. 220. National zero-emission vehicle standard.”.

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